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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,774	10/01/2003	Neal A. Starks	60,244-007	7916
26096 7590 09/18/2007 CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER PHAN, HAU VAN	
			ART UNIT 3618	PAPER NUMBER
			MAIL DATE 09/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,774

Applicant(s)

STARKS, NEAL A.

Examiner

Hau V. Phan

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/5/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment

1. The amendment filed on 7/5/2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 3-9, 14 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starks (5,988,663) in view of Hsieh (6,854,916).**

Starks in figures 1-5, discloses a bicycle coupling device or bicycle accessory device and method of removably attaching comprising a bracket (32), which is adapted to be mounted to a bicycle. The bracket includes a mount (34). Starks also discloses a support (37) removable connected to the mount and a first quick release (42) connection between the support and the mount. The first quick release connection includes a first resilient member. Starks fails to disclose a second quick release (86) connection between the support and the bicycle accessory.

Hsieh in figures 4-8, teach a coupling structure of extensible shafts comprising an inner tube (40), an outer tube (30) and a positioning device (50). The positioning device has first and second quick release connections (54). It would have been obvious to one

Art Unit: 3618

of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks with the addition of the coupling structure having a positioning device, which includes first and second quick release connections as taught by Hsieh in order to release or secure the support to the mount easily.

Regarding claim 3, Starks discloses the mount that is tubular.

Regarding claim 4, Starks discloses the bracket including a first portion having a pair of fingers (35) that receive a frame of the bicycle and an opposing second portion having an aperture to receive an attachment mechanism (36) that secured the bracket to the bicycle.

Regarding claim 5, Starks discloses the support including a lower portion having a first pin and the first resilient member that biases the first pin outwardly and the bracket including a first hole and the first resilient member biases the first pin in the first hole when the support is attached to the bracket to form the first quick release connection and attach the support to the bracket.

Regarding claim 6, Starks discloses the first pin, which is pressed inwardly to remove the support from the bracket.

Regarding claim 7, Hsieh teaches the support including an upper portion having a second pin and a second resilient member (54) that biases the second pin outwardly and a bicycle accessory including a second hole and the second resilient member biases the second pin in the second hole when the support is attached to the bicycle accessory to form the second quick release connection and attach the bicycle accessory to the support.

Regarding claim 8, Hsieh teaches the second pin, which is pressed inwardly to remove the bicycle accessory from the support.

Regarding claim 9, Starks in view of Hsieh disclose the first quick release connection, which is aligned with the second quick release connection.

Regarding claim 14, Starks discloses the removable accessory, which is a handle.

Regarding claims 19-20, Starks discloses the mount, which is substantially perpendicular to a central axis of the bicycle.

4. Claims 1, 3-9, 14 and 18-20 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Wu (6,612,598) in view of Hsieh (6,854,916).

Wu in figures 1-2, discloses a bicycle coupling device or bicycle accessory device and method of removably attaching comprising a bracket (3), which is adapted to be mounted to a bicycle. The bracket includes a mount (not number). Wu also discloses a support (4) removable connected to the mount and a first quick release (not number) connection between the support and the mount. Wu also discloses a second quick release. Wu discloses the first and second quick release connections, but fails to show a first resilient member and a second resilient member.

Hsieh in figure 5, teach a rear steering device comprising a support (4) having first and second quick release connections (54). The first and second quick release connections include a first resilient member and a second resilient member. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks with the positioning device having first

Art Unit: 3618

and second quick release connections including a first resilient member and a second resilient member as taught by Hsieh in order to allow easy assembly the bicycle accessory to the mount post.

Regarding claim 3, Wu discloses the mount that is tubular.

Regarding claim 4, Wu discloses the bracket including a first portion having a pair of fingers that receive a frame of the bicycle and an opposing second portion having an aperture to receive an attachment mechanism that secured the bracket to the bicycle.

Regarding claim 5, Hsieh teaches the support including a lower portion having a first pin and the first resilient member that biases the first pin outwardly and the bracket including a first hole and the first resilient member biases the first pin in the first hole when the support is attached to the bracket to form the first quick release connection and attach the support to the bracket.

Regarding claim 6, Hsieh discloses the first pin, which is pressed inwardly to remove the support from the bracket.

Regarding claim 7, Hsieh teaches the support including an upper portion having a second pin and a second resilient member (54) that biases the second pin outwardly and a bicycle accessory including a second hole and the second resilient member biases the second pin in the second hole when the support is attached to the bicycle accessory to form the second quick release connection and attach the bicycle accessory to the support.

Regarding claim 8, Hsieh teaches the second pin, which is pressed inwardly to remove the bicycle accessory from the support.

Regarding claim 9, Wu in view of Hsieh disclose the first quick release connection, which is aligned with the second quick release connection.

Regarding claim 14, Wu discloses the removable accessory, which is a handle.

Regarding claims 19-20, Wu discloses the mount, which is substantially perpendicular to a central axis of the bicycle.

5. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Starks (5,988,663) in view of Hsieh (6,854,916) as applied to claim 1 above, and further in view of Kuo (6,398,247).

The combination of Starks and Hsieh disclose the support, but fails to show a storage rack.

Kuo in figures 2-4, teaches a bicycle accessory comprising a pin (not number, figure 4), a support (22) including a removably accessory (20). The removably accessory is a storage rack including a mount (251), which is removably and pivotally attached to the support, wherein the storage rack including a first hole and the mount including a second hole. The pin is inserted into the first hole when aligned with the second hole to prevent pivoting of the storage rack relative to the mount. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks in view of Hsieh with the bicycle accessory having a storage rack as taught by Kuo in order to carry a user belonging.

Art Unit: 3618

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starks (5,988,663) in view of Hsieh (6,854,916) as applied to claim 1 above, and further in view of Kirvutza (4,157,075).

The combination of Starks and Hsieh disclose the support having the removable accessory, but fails to show a flag.

Kirvutza in figure 1, teaches a bicycle signal device comprising a removable flag (66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks in view of Hsieh with the bicycle accessory having a flag as taught by Kirvutza in order to provide a safety and for amusement or attraction purpose.

7. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starks (5,988,663) in view of Hsieh (6,854,916) as applied to claim 1 above, and further in view of Kahmann (6,443,472).

The combination of Starks and Hsieh disclose the removable accessory, but fail to show in wheeled trailing device.

Kahmann in figure 8, teaches a bicycle towing bracket comprising a trailing device that is attached to the bicycle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks in view of Hsieh with the bicycle accessory having a trailing device as taught by Kahmann in order to attach a trailer to the bicycle.

8. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Starks (5,988,663) in view of Hsieh (6,854,916) as applied to claim 1 above, and further in view of Long (6,149,179).

The combination of Starks and Hsieh disclose the removable accessory, but fail to show in kickstand.

Long in figures 1 and 4, teaches a bicycle comprising a kickstand (10) that is attached to the bicycle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks in view of Hsieh with the bicycle accessory having a flag as taught by Kirvutza in order to assist the bicycle in standing position when the bicycle is not use.

Response to Arguments

9. Applicant's arguments filed 7/5/2007 have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Starks fails to disclose a second quick release (86) connection between the support and the bicycle accessory. Hsieh in figures 4-8, teach a coupling structure of extensible shafts

Art Unit: 3618

comprising an inner tube (40), an outer tube (30) and a positioning device (50). The positioning device has first and second quick release connections (54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks with the addition of the coupling structure having a positioning device, which includes first and second quick release connections as taught by Hsieh in order to release or secure the support to the mount easily.

Applicant also argues that there is no motivation to modify the tricycle steering device of Wu in the manner the Examiner contends. Wu relates to a rear steering device for a tricycle. A rear steering bar 4 including a grip 41 is turned to steer the tricycle 1 with a driven member 2, a driving member 3 and a belt 5. To steer the tricycle 1, the rear steering bar 4 is turned. The rear steering bar 4 is securely attached to a driving member 3 to turn together to turn the tricycle 1 (column 2, lines 24 to 30). Therefore, the connection between the driving member 3 and the rear steering bar 4 must be strong enough to withstand the turning forces the user applies on the rear steering bar 4 so that the driving member 3 also turns. If a quick release connection was employed between the driving member 3 and the rear steering bar 4 as the Examiner contends, the connection would be subject to large turning forces. A quick release connection would not be strong enough to handle the turning forces. A more secure connection is needed to ensure that the driving member 3 and the rear steering bar 4 remain secured. There is no motivation to employ a quick release connection between the driving member 3 and the rear steering bar 4 in Wu, and the claimed invention is not obvious.

The examiner disagrees, because Wu in figure 2, discloses the first and second connections, which appear to show quick release assembly, but not in spring resilient form. Replace the connections of Wu with the teaching a first resilient member and a second resilient member from Hsieh, which does not destroy any structures or functional of Wu. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bicycle accessory device of Starks with the positioning device having first and second quick release connections including a first resilient member and a second resilient member as taught by Hsieh in order to allow easy assembly the bicycle accessory to the mount post.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V. Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hau V Phan
Primary Examiner
Art Unit 3618

Hau V Phan
8/10/07